

Chapter 912. Massage Establishments.

Sec. 912-1. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Massage establishment means any building, room, place or establishment, other than:

- (1) A massage therapy school certified by the state;
 - (2) A regularly licensed hospital or associated facility or dispensary;
 - (3) A beauty culture salon licensed under IC 25-8-7; or
 - (4) A massage therapy business located within a hotel licensed under Chapter 901;
- where nonmedical and nonsurgical manipulative exercises are practiced upon the human body with or without the use of mechanical or bath devices, by anyone not a physician, osteopath, chiropractor, or podiatrist or physical therapist duly registered with and licensed by the State of Indiana.

Massage therapist means an individual who practices massage therapy.

Massage therapy means the application of massage techniques on the human body, including:

- (1) the use of touch, pressure, percussion, kneading, movement, positioning, nonspecific stretching, stretching within the normal anatomical range of movement, and holding, with or without the use of massage devices that mimic or enhance manual measures; and
- (2) the external application of heat, cold, water, ice, stones, lubricants, abrasives, and topical preparations that are not classified as prescription drugs;

but excluding:

- (1) spinal manipulation; and
- (2) diagnosis or prescribing drugs for which a license is required.

Person employed means a massage therapist who performs any function at an establishment required to be licensed under this chapter, either:

- (1) As an employee or independent contractor; or
- (2) Otherwise, with the knowledge and consent;
of the owner or operator of the establishment.

Sexual and/or genital area means and includes human male or female genitals, pubic area, anus or perineum, and human female vulva or breast.

Sec. 912-2. License required.

It is unlawful for a person or firm to operate, conduct or maintain a massage establishment in the city without first having obtained a license therefor from the license administrator.

Chapter 912. Massage Establishments.

Sec. 912-3. Applications for massage establishment licenses.

(a) The application for a license to operate a massage establishment under this chapter shall be made with the license administrator on forms provided by the license administrator, and shall contain the following information:

- (1) The name of the applicant, and all aliases and business names used by the licensee to conduct the business;
- (2) The residence address of the applicant
- (3) The business address of the applicant;
- (4) The number of massage tables or other such individual units in the establishment;
- (5) The date of birth of the applicant, in the case of individuals, and of the manager and officers in the case of a corporation;
- (6) The name of each massage therapist working at the massage establishment;
- (7) Whether any applicant, or in the case of a corporation, its managers, officers, directors or stockholders, has ever been convicted of prostitution, rape, sexual misconduct, or a crime of violence, or has ever been required to register as a sex offender. And
- (8) An agreement by the operator permitting inspection.

(b) If there is any change in the licensed business during the term of the license such that the information provided in the application form is no longer complete or accurate, then the licensee shall notify the license administrator in writing within thirty (30) days after such change occurs. Failure to comply with this subsection shall be a violation of the Code.

Sec. 912-4. Issuance or rejection of application.

(a) Before a license under this chapter is issued, the license administrator shall investigate the character of the applicant and the officers, directors and managers of the business if the applicant is a corporation. No license shall be issued if the license administrator determines that:

- (1) Any applicant, or in the case of a corporation, its managers, officers, directors or stockholders, has ever been convicted of prostitution, rape, sexual misconduct, or a crime of violence, or has ever been required to register as a sex offender.
- (2) The premises sought to be licensed fail to comply in any manner with any applicable laws or ordinances.

Chapter 912. Massage Establishments.

(b) As to any person identified in this section and notwithstanding any other provision of law, the license administrator may make inquiries regarding criminal convictions and may require criminal convictions to be disclosed during the application process.

Sec. 912-5. Fees.

The annual license fee for each person who operates, conducts, or maintains a massage establishment shall be provided in section 131-501 of the code.

Sec. 912-6. Operation.

(a) A massage establishment operated as a home occupation must comply with the requirements of Section 731-220.

(b) Each person employed in a massage establishment shall wear clean outer garments with a fully opaque covering of such person's sexual and/or genital areas.

(c) The sexual and/or genital areas of patrons of massage establishments must be covered with towels, clothes or undergarments when in the presence of an employee, massage therapist, or other patron, except as provided in 847 IAC 1-2-5(c).

(d) No person in a massage establishment shall engage in sexual activity with a client.

(e) No person in a massage establishment shall expose, touch, or massage a sexual and/or genital area of a client, except as provided in 847 IAC 1-2-3(c).

(f) No person in a massage establishment shall initiate or solicit, verbally or nonverbally, sexual activity with a client.

(g) Every massage establishment shall be open for inspection during all business hours and at other reasonable times by police officers, health and fire inspectors, and duly authorized representatives of the city upon the showing of proper credentials by such persons.

(h) Each person performing massage therapy in a massage establishment shall possess a massage therapist certification issued by the State of Indiana. The massage therapist's certification shall be conspicuously displayed or available for inspection upon demand.

Sec. 912-7. Enforcement and penalties.

A person who violates any provision of this chapter shall be punishable as provided in section 103-3 of the Code; provided, however, the fine imposed for such violation shall not be less than two hundred dollars (\$200.00), and each day that an offense continues shall constitute a separate violation.